

Legal Extranet

Information supplied by



Romania



[National Association](#)
[General Legal Overview](#)
[Basic Guide to Intellectual Property rights in the Territory](#)
[Self Regulatory Bodies](#)
[Statutory Bodies](#)
[Specific Legislation](#)

National Association:

Romanian Association of Advertising Agencies C/o Saatchi & Saatchi

General Legal Overview:

The advertising industry in Romania is mainly regulated by Law No. 148/2000, regarding advertising; Law No. 504/2002, regarding audiovisual; and National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping.

However, a recently established self-regulatory body has adopted the Code of Advertising Practice, a set of rules of conduct that supplement Romanian legislation in this field. The Romanian Advertising Council (RAC) was established in 1999 and started its activity as a self-regulatory body in 2003. Since January 2004, RAC has been a member of the European Advertising Standards Alliance (EASA), a European organization that unites self-regulatory advertising bodies.

Relevant legislation can be found at www.cna.ro and www.anpc.ro.

The advertising of the following is prohibited by law:

- prescription medicine;
- political advertising (except during political campaign periods);
- advertising of certain professions: notaries, attorneys, court marshals, judicial experts, private clinics.

Basic Guide to Intellectual Property rights in the Territory:

Copyright

Copyright exists in an original work of intellectual creation in the literary, artistic, or scientific domain, regardless of the manner of creation, the concrete form or mode of expression, and independently of its value or destination. Copyright lasts throughout the author/creator's life. Upon death, it is transmitted by inheritance over a period of 70 years, irrespective of the date when the work was made known to the public in a legal sense.

The creators of works protected by copyright, their heirs, and successors in interest benefit from certain fundamental rights, such as the exclusive right to use the work or authorize its use under mutually agreed conditions.

The holder(s) of copyright over a work may forbid/authorize such work's:

- reproduction in any form, including in printed or audio form;
- interpretation or execution in public or its communication to the public;
- broadcasting in audio or TV programs;
- translation into other languages; and
- adaptation, e.g., of a novel into a movie script.

Copyright legislation provides copyright holders with several means to defend their rights, such as civil actions, requests for administrative damages, and criminal prosecution. Among the measures that enable such rights are interdictions, orders to destroy counterfeit products, and search orders.

Trade Marks

A trademark is a sign susceptible of graphic representation, serving to individualize the products or services of a natural person or legal entity from products/services belonging to other persons. The following may represent a trademark: distinctive signs or words, including names, drawings, letters, figures, figurative elements, tri-dimensional forms and, in particular, the form of the product or packaging, combinations of colors, or any combination of such signs.

The right over a trademark is acquired and protected by its registration with the State Office for Inventions and Trademarks. The application for registration shall include a clear reproduction of the sign and a list of the products or services to which the sign will be applied. The sign must fulfill certain conditions to be protected as a trademark. It must be distinctive; it should not create confusion or mislead consumers; it should not contravene public order or moral principles.

Romania has ratified the Madrid Treaty regarding the international registration of manufacturers' brands or trademarks, and the Protocol concerning the Madrid Treaty regarding the international registration of trademarks, adopted in Madrid on June 27, 1989.

The registration of a trademark grants the holder an exclusive right for the products and/or services for which such registration was made for a 10-year period from the establishment of the deposit, with the possibility of renewal. Such registration precludes third parties from filing or using (irrespective of the form) the trademark or one of its characteristic elements, for the same products or services, without authorization.

Unfair Trade Practices, Passing Off, Unfair Competition, etc.

Any act or fact contrary to fair usage in industrial activity, product sales, performance of work, or supply of services is deemed unfair competition. Examples of unfair competition include:

- disclosure, acquisition, or use of a trade secret by a trader or one of its employees without the approval of the legitimate holder of such trade secret and in a manner contrary to fair commercial usage;
- communication or public dissemination by a trader of statements regarding its own company or the activity thereof meant to mislead or create an advantage for itself to the detriment of its competitors;
- communication, even in a confidential manner, or dissemination by a trader of false statements regarding a competitor or its merchandise/services which, by their nature, may affect the normal course of such competitor's business;
- offering, promising, or granting an advantage to a trader's employee or representatives so that, through such employee's disloyal conduct, it may acquire information regarding such trader's industrial methods, obtain or use its clients, or obtain any other benefit for itself or for any other person to the detriment of a competitor;
- diversion of a trader's clientele by using connections established with such clientele by means of a position previously held with such trader's business.

Romanian Advertising Council (Consiliul Roman pentru Publicitate)

Str. Buzesti No. 61, 8th Floor, Apt. 55, Sector 1, Bucharest Tel: 4021 312 25 83

Web link: www.rac.ro

Personal Contact: Liana Segă

Romanian Direct Marketing Association (Asociatia Romana de Marketing Direct)

Sos. Fundeni No. 117-121, Sector 2, Bucharest Tel: 4021 305 41 00 Fax: 0421 305 41 09 armad@mailers.ro

Web link: www.armad.ro

National Audiovisual Council (Consiliul National al Audiovizualului)

Libertatii Blvd. No. 14, Sector 5, Bucharest Tel: 305 53 56 Fax: 305 53 53 cna@cna.ro

Web link: www.cna.ro

National Authority for Consumer Protection (Autoritatea Nationala Pentru Protectia Consumatorului)

Georges Clemenceau Str. No. 5, Sector 1, Bucharest Tel: 0421 313 50 26

Web link: www.anpc.ro

Personal Contact: Irina Ciausă

Alcohol	05 January 2005
Collateral Gifts	05 January 2005
Comparative advertising	05 January 2005
Coupons	05 January 2005
Data Protection/Privacy	05 January 2005
Direct Marketing	05 January 2005
E-mail	05 January 2005
Financial products and services	05 January 2005
Gaming & Betting	05 January 2005
Health & Beauty	05 January 2005
Motors	05 January 2005
Pharmaceuticals	05 January 2005
Prize Promotions	05 January 2005
Tobacco	05 January 2005
Sponsorship	16 March 2005

Information
supplied by:

[Wood Lupascu Dumitrescu & Associates SCPA](#)

[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

[Disclaimer](#)

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

[<< Click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Alcohol	
Country	Romania	
General legal framework	The applicable laws are Law No. 148/2000, regarding advertising; Law No. 504/2002, regarding audiovisual; and National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping.	
Restrictions to the activity	<p>Advertising and teleshopping for alcoholic beverages may not:</p> <ul style="list-style-type: none"> • be addressed to minors; • present minors drinking alcoholic beverages; • make any connection between the consumption of alcohol and improvement in physical or mental capacities or of the ability to drive vehicles; • suggest that improved social or sexual performance may be achieved through the consumption of alcohol; • suggest that alcohol has therapeutic qualities or is a means to solve personal problems; • encourage excessive consumption of alcohol; • present moderate consumption of alcohol or abstinence in a bad light; • present high alcohol content of beverages as a good quality; • promote violent, aggressive, or antisocial behavior. <p>In general, products and services meant for minors have a special legal regime as regards their promotion. Advertisements are forbidden which:</p> <ul style="list-style-type: none"> • contain elements harmful to minors from a physical, moral, intellectual or mental point of view; • indirectly encourage minors to buy products or services by taking advantage of their lack of experience or naivety; • affect the special relationships between minors and parents or teaching staff; • unjustifiably present minors in dangerous situations. <p>More specifically, the advertising of alcoholic beverages to minors is prohibited, including in publications primarily meant for minors. It is also prohibited to present minors consuming alcoholic products. It is forbidden to advertise alcoholic beverages within educational units and health care units or at a distance of less than 200 meters from the entrance thereof. A breach of these provisions may lead to a fine of between ROL 50,000,000 (approximately USD 1,500) and ROL 500,000,000 (approximately USD 15,000).</p>	
Restrictions to the media	<i>Cinema</i>	Advertising for alcoholic beverages is forbidden in show rooms prior to, during, or after shows meant for minors.
	<i>Direct Mail</i>	Advertising for alcoholic beverages is forbidden on the first and last cover page of printed materials. The advertising of alcoholic beverages is prohibited in publications primarily meant for minors.
	<i>Radio</i>	Within the radio broadcasting services, any form of advertising for alcoholic beverages is forbidden during the following times: 6:00-8:00 and 10:00-22:00 Monday to Friday; 6:00-22:00 on Saturdays and Sundays.
	<i>TV</i>	Within the TV broadcasting services, any form of advertising for alcoholic beverages is forbidden every day between 6:00 and 22:00. The broadcasting of advertising and teleshopping for products used to treat alcoholism is forbidden. The broadcasting between 6:00-23:00 of shows sponsored by companies whose name or trademark is identical to the name or trademark of an alcoholic beverage is forbidden. The broadcasting of promotional ads or contests which refer to the name or trademark of an alcoholic beverage is forbidden. During contests, no awards sponsored by the companies producing such beverages may be offered. The broadcasting of sports programs sponsored by the producers of alcoholic beverages is also forbidden. For sports programs before 22:00 and taking place in Romania, the presentation of images through which alcoholic products and/or the producers thereof may be identified is deemed as advertising alcoholic beverages. All commercials promoting alcoholic beverages must end with an audio and visual warning: "Excessive consumption of alcohol seriously damages health".
Last updated	05 January 2005	

Information supplied by:

Wood Lupascu Dumitrescu & Associates SCPA
Florentina Dumitrescu



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Collateral Gifts
Country	Romania
General legal framework	The applicable law is Government Ordinance No. 99/2000, regarding the sale of products and services on the market, as approved and amended by Law No. 650/2002. A breach of these provisions may result in a fine for a minor offense of between ROL 20,000,000 (approximately USD 600) and ROL 50,000,000 (approximately USD 1,500).
Restrictions to the activity	Any sale or offer for sale of products or services to a consumer, giving him/her the right, free of charge, immediately or within a certain term, to a gift in the form of products and/or services, is prohibited, except when such gift is identical to the purchased products/services. The following products and services are not deemed gifts: • products or services indispensable to the normal use of the purchased product or service; • products or services whose value is up to 10% of the sale price/tariffs of the products/services purchased by the consumers; • customized items, i.e., objects with advertising messages, visibly inscribed, and which can not be found on the market; • post-sale services; • parking facilities offered by sellers to consumers.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Comparative advertising
Country	Romania
General legal framework	Comparative advertising is regulated by Law No. 148/2000, regarding advertising, as subsequently amended and supplemented. In addition, advertising broadcasts during radio and television programs, transmitted by radio waves, cable, or a technical system assimilated thereto, are subject to the provisions regarding advertising in the audiovisual field, provided in Law No. 504/2002, as amended and supplemented. According to Law No. 148/2000, comparative advertising is advertising which explicitly or implicitly identifies a competitor or the goods or services of a competitor. By establishing the conditions under which comparative advertising is forbidden, this law aims to protect consumers of products and services, persons performing a production or trade activity, persons providing a service or practicing a trade or profession, and the public interest. A breach of these provisions may result in a fine for a minor offense of a maximum of ROL 40,000,000 (approximately USD 1,200).
Restrictions to the activity	Comparative advertising is forbidden where: <ul style="list-style-type: none"> • the comparison is deceiving (i.e., in any way, including the manner of presentation, it misleads or may mislead any person to whom it is addressed or who comes into contact with it and whose economic behavior it may affect, harming his/her interests as a consumer, or which may harm the interests of a competitor); • goods or services having different purposes or destinations are compared; • one or several essential, relevant, verifiable, and representative characteristics, including the price, of certain goods or services are not compared objectively; • it creates confusion on the market between the advertising party and a competitor or between trademarks, commercial names or other distinctive signs, goods, or services of the advertising party and those belonging to a competitor; • it discredits or denigrates trademarks, commercial names, other distinctive signs, goods, services, activities, or circumstances of a competitor; • in the case of products which have geographic indications, products having a different indication are compared; • it takes unfair advantage of the fame of a trademark, of the commercial name or other distinctive signs of a competitor, or of the geographic indication of a competitor's product; • it presents goods or services as imitations or replicas of goods or services bearing a protected trademark or commercial name.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)

[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Coupons
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising, and Government Ordinance No. 99/2000, regarding the sale of products and services on the market. There are four general categories of coupons which can be found in commercial practice: prize coupons, discount coupons for a future purchase, cross coupons, and free discount coupons. A prize coupon is where, upon the purchase of a product or service, the purchaser is offered the possibility of receiving a prize, subject to the purchase of a different product or service in the future. A discount coupon for a future purchase is offered to the consumer together with the promoted product, inside or outside the packaging of such product. The product is purchased at the normal price and the coupon may be used for the subsequent purchase of the same product. A cross coupon is where, through the purchase of a product, the purchaser receives a discount coupon related to the purchase of another product. A free discount coupon offers a discount on the future purchase of a product. It is offered free of charge; that is, it does not require the purchase of a product. Such coupons must be offered at random prior to offering for sale the products or services related to the coupon. The offer of such coupons may be performed through various methods, for instance, they may be inserted into printed materials, distributed by mail, given by promoters on the sales premises, or made available freely at the point of sale. Such coupons may also be attached to other products, provided that they are in/on all of the products offered for sale. If they are placed in only some products, this might be deemed an illegal lottery.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Data Protection/Privacy
Country	Romania
General legal framework	The applicable law is Law No. 677/2001, for the protection of persons with regard to the processing of personal data and the free circulation of such data; and Law No. 676/2001, regarding the processing of personal data and the protection of privacy in the telecommunications sector, as amended and supplemented. Law No. 677/2001 provides the general legal framework and regulates the processing of natural persons' personal data. It applies to the processing of personal data which belongs or is meant to belong to a system of records. A system of records means "any organized structure of personal data which may be accessed according to specific criteria." Law No. 676/2001 applies to the operators of public telecommunication networks and to the suppliers of telecommunication services to that part of the public which handles personal data in the performance of its tasks. The supplier of these telecommunication services and the operator of the public telecommunication network through which the respective services are supplied shall take all necessary technical and organizational measures to guarantee the security of the services and network. If a special risk arises related to a violation of the network's security, the supplier of telecommunication services must inform the subscribers. It must also indicate possible remedies and the costs thereof. A breach of these provisions or those discussed below may result in a fine for a minor offense of a maximum of ROL 500,000,000 (approximately USD 15,000).
Restrictions to the activity	Under Law No. 677/2001, personal data processing may only be performed if the person concerned has consented thereto, with a few exceptions (e.g., the processing is necessary to protect the life, physical integrity, or health of the person concerned or of another person). The processing of personal data on racial or ethnic origin; political, religious, philosophical, or similar convictions; trade union affiliation; or health or sex life is forbidden. By way of exception, the processing of the abovementioned data is allowed in the following situations: express consent has been given; the data has been made public, in a manifest manner, by the person concerned; the data is necessary to ascertain, exercise, or defend a certain right in court; data on a person's state of health is necessary to protect public health. Personal data having an identification function (i.e., the number and series of an identity document or card) may only be processed if the person concerned has given his/her consent thereto and such processing is expressly provided by a legal provision. The processing of personal data regarding criminal deeds or minor offences is allowed only if performed by or under the control of public authorities. Unsolicited telephone calls made for direct marketing purposes using automated calling systems that do not require a human operator, made by fax or any other method, are forbidden, except when the recipient of the call has given express prior consent thereto. The confidentiality of communications performed through a public telecommunication network or by means of a telecommunication service destined to the public shall be guaranteed. The listening to, storage of, or any other form of interception or surveillance of communications is forbidden, except for cases provided by law (e.g., prior written consent has been given).
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Direct Marketing	
Country	Romania	
General legal framework	Direct marketing is the promotion of products or services that directly targets natural persons by various remote means, such as direct mail and electronic mail. Direct marketing activities are not specifically regulated in Romania. But current regulations do establish conditions and limits for contacting potential clients by direct marketing according to the communication means used. The relevant regulations are Government Ordinance No. 130/2000, regarding consumers' protection upon the conclusion and execution of agreements at distance, as approved and amended by Law No. 51/2003; Government Ordinance No. 99/2000, regarding the sale of market products and services, as amended by Law No. 650/2002; Law No. 676/2001, regarding personal data processing and privacy protection in the telecommunications sector; and Law No. 148/200, regarding advertising.	
General self-regulatory framework	The Romanian Direct Marketing Association (ARMAD), founded by a number of companies that supply direct marketing services, promotes direct marketing and defends members' interests before regulatory authorities in the telecommunications and personal data processing fields. ARMAD recently adopted a code of conduct establishing, among other things, principles for processing personal data in direct marketing, settlement of claims, and penalties for breach of these principles.	
Restrictions to the activity	Telephone calls by an automatic system are only permitted with a person's prior approval. Telephone calls by a human operator are permitted if a person does not expressly refuse them. At the beginning of each conversation, the marketing person must identify him/herself and explicitly indicate the commercial purpose of the call. In addition to the direct mail and e-mail restrictions mentioned below, the use of other means of remote communication is prohibited if the consumer expressly refuses it. A breach of these provisions may result in a fine for a minor offense of a maximum of ROL 250,000,000 (approximately USD 7,500).	
Restrictions to the media	<i>Direct Mail</i>	A marketer that informs the consumer of its offer by means of catalogues, booklets, or other printed publications must, in the case of pre-packaged products, mention the net quantity contained by each package, the sales price, and the price per measure unit, according to current legal provisions.
	<i>E-mail</i>	Transmission of commercial information by fax or e-mail requires the prior consent of the target customer.
Last updated	05 January 2005	

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	E-mail
Country	Romania
General legal framework	The applicable law is Law No. 148/2000 regarding advertising; Law No. 365/2002, regarding electronic commerce; Law No. 365/2002, Art. 6 para. 2, regarding commercial communications; and Government Ordinance No. 130/2000, regarding the protection of consumers upon the conclusion and performance of in absentia agreements. Under Law No. 365/2002, Art. 22, the performance by the services provider of commercial communications in breach of such law is a minor offense and may result in a fine of between ROL 10,000,000 (approximately USD 300) and ROL 500,000,000 (approximately USD 15,000).
Restrictions to the activity	Law No. 365/2002 prohibits the performance of commercial communications by e-mail except when the recipient has provided prior written consent. According to Art. 6, para. 2, commercial communications must comply with the following conditions: • they must be clearly identifiable as such; • the natural person or legal entity on behalf of whom they are made must be clearly identified; • promotional offers (e.g., discounts, prizes, gifts) must be clearly identifiable and the conditions required to obtain them must be easily accessible and clearly presented; • competitions and promotional games must be clearly identifiable as such and the conditions of participation easily accessible and clearly presented; • any other conditions imposed by current legislation. Government Ordinance No. 130/2000 establishes the conditions required for the conclusion and performance of in absentia commercial agreements between consumers and traders providing services or products. The ordinance includes e-mail in the category of distance communication techniques. The ordinance does not apply to the following agreements: regarding financial services; concluded through automatic distributors or in automatic commercial premises; concluded with telecommunications operators for the use of public telephones; concluded for the construction and sale of immovable assets or regarding other rights concerning immovable assets, except for lease agreements; concluded within tender sales. The prior consent of the consumer is required for the use of e-mail as a distance communication technique.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Financial products and services
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising; Law No. 289/2004, regarding the legal regime of consumption loan agreements destined to natural person consumers; and Government Ordinance No. 85/2004, regarding the protection of consumers upon the conclusion and performance of in absentia agreements regarding financial services. A breach of the provisions of Law No. 289/2004 regarding advertising announcements for consumption loans may result in a fine of up to ROL 100,000,000 (approximately USD 3,000); a breach of the provisions regarding notification of consumers in relation to distance financial services may result in a fine of up to ROL 30,000,000 (approximately USD 900).
Restrictions to the activity	Before concluding an agreement in absentia or upon the submission of the offer, the provider has the obligation to timely, accurately, and fully communicate to the consumer certain identification elements regarding the provider, i.e., its name, legal status, main activity, telephone/fax, e-mail, the register of commerce with which such provider is registered, and the unique registration code. Before concluding an agreement in absentia or upon the submission of the offer, the provider shall offer to the consumer, in a timely manner, accurate and complete information regarding the financial service to be supplied as well as the following: <ul style="list-style-type: none"> • a description of the essential characteristics of such financial service; • the total price for the financial service, including all fees, taxes, and additional costs or related expenses, and all tariffs directly paid by the consumer or through the provider. If an exact total price for such financial service cannot be indicated, the provider must inform the consumer of the calculation modality necessary to verify the total cost, any time limit or date prior to which the supplied information is valid, and the payment modalities; • the minimum duration for which the agreement in absentia is concluded, if a permanent or periodic financial service is supplied; • the parties' right to terminate or unilaterally denounce the agreement prior to its contractual term, including any penalties; • the practical modalities to exercise the right to unilaterally denounce the agreement and, inter alia, the address to which a notification of unilateral denouncement is to be sent; • the state or states whose norms are taken into account by the provider as the legal ground for its contractual relationship with the consumer to conclude an agreement in absentia; • and any contractual clause indicating the applicable law and/or competent court where potential disputes between the parties shall be settled. Such information, the commercial purpose of which should result unequivocally, shall be communicated in a clear manner, easily comprehensible by the consumer, through any means adapted to the distance communication technique used, taking into consideration principles of proper commercial practice in transactions, principles governing the protection of minors and other persons deprived of decision-making capacity, and principles regarding proper conduct. As regards loan agreements for consumers who are natural persons, any advertising announcement and any offer displayed in a public place whereby a person offers to grant a loan or mediate the conclusion of a loan agreement, and figures regarding the loan cost, shall clearly and intelligibly stipulate the effective annual interest and shall observe the provisions of the law on advertising. The commercial purpose of such information must be clearly described in ordinary language. If special provisions (i.e., other than those provided by Government Ordinance No. 85/2004) requiring prior notification of consumers are applicable in the EU or national legislation regarding financial services, such provisions shall be applied according to the respective financial agreement. The obligation to inform the consumer or provider according to the provisions of such ordinance may not be removed by invoking a commercial or business secret and may not be limited or removed by contract.
Last updated	05 January 2005

Information supplied by:

[Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Gaming & Betting
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising; Law No. 504/2002, regarding audiovisual; National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping; and Government Emergency Ordinance No. 69/1998, providing the authorization regime for gambling activities, as subsequently amended and supplemented.
Restrictions to the activity	Gambling activities must be organized and operated in accordance with the authorization regime provided in Government Emergency Ordinance No. 69/1998, as subsequently amended and supplemented. Otherwise, such activities are subject only to the laws on advertising.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Health & Beauty
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising; Law No. 504/2002, regarding audiovisual; and National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping. A breach of these provisions may result in a fine for a minor offense of a maximum of ROL 500,000,000 (approximately USD 15,000).
Restrictions to the activity	Advertising is permitted only for over the counter medicinal products; i.e., those sold without a prescription. Testimonials or presentations of particular cases to justify a diet are prohibited. Advertising for products or treatments for losing weight may not include assertions or suggestions for being below a person's regular weight. The diet must be presented or promoted as a short-term measure. The promotion or presentation of products and treatments for losing or maintaining body weight must include a minimum five-second audio and written warning, "Please consult your physician before starting this diet." Advertising of products or treatments for losing or maintaining body weight without any therapeutic indications must observe the following conditions: <ul style="list-style-type: none"> • reliable medical evidence for each assertion regarding the beneficial effects of the products or treatments must be provided; • when asserting that a person's weight decreased as a result of using the product, the period during which such decrease occurred must be indicated; • weight loss and the period during which such was obtained must comply with medical and diet-related generally accepted practices; • in the case of hypo-caloric foods and beverages, if presented as a part of the diet, it must be indicated that the product may lead to weight loss only as part of a calorie/energy controlling diet; • products specially prepared to be used in low calorie diets which, according to the instructions, replace the daily food ratio in full or in part, must be promoted under the denomination "complete food substitute for losing weight" or "partial substitute for losing weight"; • in the case of hypo-caloric food products and beverages, no reference may be made to the ratio or the extent of the weight loss as a result of the use of the products, or to any decrease in hunger or increase in repletion. Advertising for any type of product or treatment for losing or maintaining body weight: <ul style="list-style-type: none"> • may not address persons under the age of 18 and must warn the public of such prohibition through a written or audio insertion; • may not be broadcasted during programs for children or in commercial breaks preceding or following such programs; • may not directly address obese persons and may not include examples of cases targeting persons who had been obese before using the product or treatment.
Last updated	05 January 2005

Information supplied by:

Wood Lupascu Dumitrescu & Associates SCPA
 Florentina Dumitrescu



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Motors
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising generally; Law No. 504, regarding audiovisual; Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping; and Government Ordinance No. 99/2000, regarding the sale of products and services on the market. As there are no provisions specific to the advertising of motor vehicles, general advertising law applies, as reflected in the above laws.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Pharmaceuticals	
Country	Romania	
General legal framework	Law No. 148/2000, regarding advertising; Audiovisual Law No. 504/2002; and National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsoring, and teleshopping. A breach of these legal provisions may result in a fine for a minor offense of a maximum of ROL 500,000,000 (approximately USD 15,000).	
Restrictions to the activity	<p>Advertising is only allowed for over the counter products (i.e., no prescription required). Advertising must be approved by the National Agency of Medicines. The advertising must warn the public if the product contains substances that may harm the health. Advertising for medicinal products must encourage their rational use and present them objectively, without exaggerating their therapeutic qualities. It is forbidden to broadcast advertising or teleshopping as follows:</p> <ul style="list-style-type: none"> • for medicinal products, vitamins, food supplements, nutrients, or medical treatments presented or recommended by personalities of the public, cultural, scientific, or sport world, or other persons who, due to their fame, may encourage the consumption of such products or treatments; • featuring doctors, dentists, pharmacists, or nurses who recommend the use of medicinal products, medical treatments, vitamins, food supplements, nutrients, nutritive supplements, or fast moving consumer goods for medical use; • for medicinal products, vitamins, food supplements, nutrients, nutritive supplements, medical treatments, or fast moving consumer goods if the presentations (a) include recommendations or approvals of medical associations or (b) associate elements from the medical field that may suggest a medical approval or recommendation; • for products used for treating alcoholism; • for clinical treatments against hair loss; • for hypnosis, therapy by hypnosis, psychology, psychoanalysis, or psychiatry; • for medicines whose cost is compensated; • for medicinal products containing psychotropic or narcotic substances, in the meaning of international conventions; • mentioning therapeutic indications such as tuberculosis, sexually transmitted diseases, other serious infectious diseases, cancer or other tumor diseases, chronic insomnia, diabetes, or other metabolic diseases. <p>Advertising for medicinal products may not include any mention which:</p> <ul style="list-style-type: none"> • gives the impression that a medical examination or surgical procedure is not necessary, especially by offering diagnosis suggestions or distance treatments; • suggests that the effect of treatment with the product is guaranteed, is not accompanied by side effects, or is better than or equivalent to another treatment or product; • suggests that the public's health could be improved by consumption of the product; • suggests that the public's health could be adversely affected if it did not use the product (this restriction does not apply to vaccination campaigns run by the pharmaceutical industry and endorsed by the Ministry of Health); • suggests that the product is a food product, a cosmetic product, or other fast moving consumer good; • suggests that the safety or efficacy of the product is due to the fact that the product is natural; • could lead to an erroneous self-diagnosis through a detailed description or representation of certain symptoms or clinical cases; • refers to healing in improper or incorrect terms; • uses, in improper, alarming, or incorrect terms, images, sketches, or photos that show modifications of the human body caused by diseases or lesions, or by the action of the product on the human body or parts of it; • highlights that the product is authorized by the National Agency of Medicines. <p>No advertising message for medicinal products or medical treatments may be targeted at persons under 16. It is forbidden to advertise medicinal products, vitamins, food supplements, nutrients, nutritive supplements, and medical treatments during shows for children or commercial breaks preceding or following such shows. Producers and distributors of medicinal products, vitamins, food supplements, nutrients, nutritive supplements, and medical treatments may not sponsor programs or shows for children. Advertising and teleshopping for natural products and treatments must be accompanied by a written and audio warning: "not a medically endorsed product," "not a medically endorsed method," etc. If the natural products and treatments have been checked from a medical point of view, this fact shall be attested by the Romanian Medical College of Doctors. Advertising and teleshopping for homeopathic products and treatments is only permitted for products and treatments endorsed by the Ministry of Health or the Romanian Medical College of Doctors. It is forbidden to broadcast shows or teleshopping presenting cases of the curing of serious diseases with the help of conventional or unconventional treatments unless the diagnosis and the medical documents attesting to it have been certified by the Romanian Medical College of Doctors or a representative of the Romanian Medical College of Doctors is present at such show or teleshopping to certify the results from a medical point of view. It is forbidden to broadcast advertising or teleshopping that suggests supplementing one's diet with vitamins or minerals, or that such supplements may improve physical or mental functions that are in proper condition.</p>	
Restrictions to the media	<i>Radio</i>	<p>Promotion of medicinal products during the audiovisual programs must include: the name of the product; the common name, if the product includes only one active ingredient; the therapeutic indication (the symptoms for which the product is used); and the warning: "This product may be used without a medical prescription. A careful reading of the prospectus is recommended. If unpleasant symptoms occur, please contact your physician or pharmacist." To be exempted from this last requirement, the advertising for medicinal products broadcasted in a shortened form (a reminder) must include the warning: "A careful reading of the prospectus is recommended." A</p>

	reminder means an advertising clip cumulatively fulfilling the following conditions: it is a part, continuation, and/or supplementation of the same advertising campaign for a certain medicinal product performed during the same broadcasted programs; it reminds the public of elements of the message broadcasted in the main spot of the advertising campaign; it has a duration that does not exceed 10 seconds. The abovementioned warnings shall be broadcasted under the following conditions: for the main spot, the audiovisual text must be presented at the end of the advertising spot for a minimum of six seconds; for reminders, the text must be presented during the broadcasting of the advertising message, in a way that ensures the clear reception of such message.
<i>TV</i>	See audiovisual restrictions above under "Radio."
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

[<< Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Prize Promotions
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising; Government Ordinance No. 99/2000, regarding the sale of market products and services, as approved and amended by Law No. 650/2002. Restrictions apply to "advertising lotteries." An advertising lottery is the practice of promoting products or services by stimulating the hope of winning a prize through the drawing of lots. Contests in which prizes are awarded based exclusively on the participant's ability, knowledge, perceptiveness, or performance are not included in the notion of advertising lottery. Further, the random distribution of prizes prior to offering products/services for sale, or the giving of prizes upon the purchase of products/services, are not included in the notion of advertising lottery. Such activities are deemed permitted commercial practice, even though the prizes are received on a subsequent date. A breach of these provisions may result in a fine for the perpetration of a misdemeanor from ROL 20,000,000 (approximately USD 600) to ROL 50,000,000 (approximately USD 1,500) and, in certain cases, to the confiscation of any income obtained through such practice.
General self-regulatory framework	The legislation acknowledges the right of professional associations to play a self-regulatory role in the advertising field to control the promotion of sales through such type of advertising, and the right of persons who consider themselves to have been misled in such activities to directly approach such associations.
Restrictions to the activity	Advertising lotteries are only allowed if no additional direct or indirect expenditure for the acquisition of the product or service is required. With regard to the prizes at stake, advertisements must mention the nature, number, and commercial value of such prizes and that participation rules are available free of charge. To this end, the address or telephone number to request such rules must be mentioned. The rules must mention the obligation of the organizer to make public the names of the winners and the prizes awarded. To prevent disguised gambling, the law provides for additional obligations. Thus, the rules must meet certain form-related conditions and must be submitted to the public authorities authorized for such purpose. It may be construed as deceptive advertising where the organizer of an advertising lottery suggests to the addressee by means of an advertisement that the addressee (1) has won the grand prize, although the drawing of lots for the allocation of prizes is to be held on a subsequent date, or (2) has won an important prize, which actually amounts to a minimum value or consolation prize.
Last updated	05 January 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Subject	Tobacco	
Country	Romania	
General legal framework	The applicable laws are Law No. 148/2000, regarding advertising; Law. No. 504/2002, regarding audiovisual; and Government Emergency Ordinance No. 55/1999, regarding advertising and selling tobacco products. A breach of these provisions may result in a fine of between ROL 50,000,000 (approx. USD 1,500) and ROL 500,000,000 (approx. USD 15,000)	
Restrictions to the activity	According to Emergency Ordinance No. 55/99, advertising of tobacco products is not allowed in publications meant primarily for minors or in show rooms prior to, during, or after shows meant for minors. Further, the sale or offering of tobacco products to minors, in vending machines, by piece, or by the free offering thereof to minors is also prohibited. It is also forbidden to advertise tobacco products within educational units or health care units or at a distance less than 200 meters from the entrance thereof. Products and services meant for minors have a special legal regime as regards their promotion. Advertising is prohibited which: <ul style="list-style-type: none"> • contains elements harmful to minors from a physical, moral, intellectual, or mental point of view; • indirectly encourages minors to buy products or services by taking advantage of their lack of experience or naivety; • affects the special relationship between minors and parents or teaching staff; • unjustifiably presents minors in dangerous situations. More specifically, advertising for tobacco products is not allowed if it: <ul style="list-style-type: none"> • is addressed to minors; • presents minors using such products; • suggests that tobacco products have therapeutic properties or a stimulating or sedative effect or may solve personal problems; • creates a negative image about abstention; • does not contain warnings regarding the use of tobacco products (in Romanian; the text must read: "Tobacco seriously damages health" and must be accompanied by the inscription "EC Council Directive 89/622/EEC"). In the case of tobacco advertising on panels, banners, or posters, there must be a warning which covers a minimum of 10% of the total area; it must be written in a bold, black font on a white background. It is forbidden to advertise tobacco products on public transportation tickets.	
Restrictions to the media	<i>Cinema</i>	Tobacco advertising is prohibited in show rooms prior to, during, or after shows meant for minors. It is also prohibited prior to, during, and after shows intended for adults taking place between 17:00 and 20:00.
	<i>Press</i>	It is forbidden to advertise tobacco products on the first or last cover page of printed materials.
	<i>Radio</i>	It is forbidden to advertise tobacco products during radio programs.
	<i>TV</i>	It is forbidden to advertise tobacco products during TV programs.
Upcoming changes	The Ministry of Health has drafted a bill according to which advertising for tobacco products will be forbidden starting from July 30, 2005, in the written press and in other printed materials, during TV and radio broadcasts, in cinemas, on advertising panels and through public information services. Such measures are in keeping with the policy for promoting people's health within the negotiations with the European Union for chapter 13 entitled "Social Policy and Employment".	
Last updated	05 January 2005	

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

Legislation Article

Information supplied by



If you wish to email this article to a colleague please type in their email address at the bottom of the page and click on "Send Article"

Activity	Sponsorship
Country	Romania
General legal framework	The applicable law is Law No. 148/2000, regarding advertising; Law No. 32/1994, regarding sponsorship, as amended and supplemented; Law No. 504/2002, regarding audiovisual, as amended and supplemented; and National Audiovisual Council Decision No. 254/2004, regarding advertising, sponsorship, and teleshopping. A breach of these provisions may result in a fine for a minor offense of a maximum of ROL 500,000,000 (approximately USD 15,000).
Last updated	16 March 2005

Information supplied by: [Wood Lupascu Dumitrescu & Associates SCPA](#)
[Florentina Dumitrescu](#)



Wood, Lupascu, Dumitrescu & Associates SCPA 11-13 Kiseleff Boulevard 011342 Bucharest, Romania Tel: (+40) (21) 222-8888 Fax: (+40) (21) 223-4444 Contact Information: Gilbert Wood (Gilbert.Wood@wldlaw.ro) Florentina Dumitrescu (Florentina.Dumitrescu@wldlaw.ro)

Disclaimer

The information set out above is only intended to provide a general overview of the subject matter covered. It is not a substitute for legal advice, which should be obtained for each individual situation, from a suitably qualified and experienced local lawyer.

If you wish to email this article to a colleague please type in their email address below and click on "Send Article":

<< [Please click here to go back](#)